

BILL NO. Z-76-05- 17.


ZONING MAP ORDINANCE NO. Z- last
AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. AA-5 and BB-5.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated an M 1 District under the terms of Chapter 36,
Municipal Code of the City of Fort Wayne, Indiana, 1946, as
amended by General Ordinance No. 2836 and amendments thereof;
and the symbols of the City of Fort Wayne Zoning Map No.
AA-5 and BB-5, referred to therein, established by Section 9,
Article III of said Chapter as amended, are hereby changed
accordingly, to-wit:

Lot Numbers 4, 5 and 6 of Gerkin's Addition,
and Lot No. 1 of Mary Schneider's Addition and
Tract 1, 1A, 2, 2A, 3 and 4 of Mary Schneider's
Addition, generally located on the southeast
corner of High Street and Sherman Boulevard.

SECTION 2. This Ordinance shall be in full force and
effect from and after its passage, approval by the Mayor and
legal publication thereof.


Councilman

APPROVED AS TO FORM
AND LEGALITY,

CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Delmas, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date:

5-11-76

CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hings, and duly adopted, placed on its passage. ~~Passed~~ (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-VIT
TOTAL VOTES	<u>0</u>	<u>4</u>			
BURNS	_____	✓	_____	_____	_____
HINGA	_____	✓	_____	_____	_____
HUNTER	_____	✓	_____	_____	_____
MOSES	_____	✓	_____	_____	_____
NUCKOLS	_____	✓	_____	_____	_____
SCHMIDT, D.	_____	✓	_____	_____	_____
SCHMIDT, V.	_____	✓	_____	_____	_____
STIER	_____	✓	_____	_____	_____
TALARICO	_____	✓	_____	_____	_____

DATE:

8-24-76

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. _____ on the _____ day of _____, 197____.

ATTEST:

(SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 11, 1976, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-76-05-17; and

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

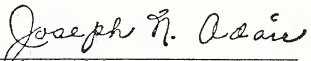
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 14, 1976;

NOW THEREFORE BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 28, 1976.

Certified and signed this
6th day of August, 1976.



Joseph N. Adair
Secretary

[Signature]

REGULATIONS

Regulations

assist

PASS.

John F. Nichols

30. 3. 4. 1911

Vincent G. Schmidt

Wm. H. White JR.

Donald J. Schmidt

CONCURRED IN

DATE 029 CHARLES W. WESTERMAN, CITY CLERK

№ 069

FT. WAYNE, IND.

19

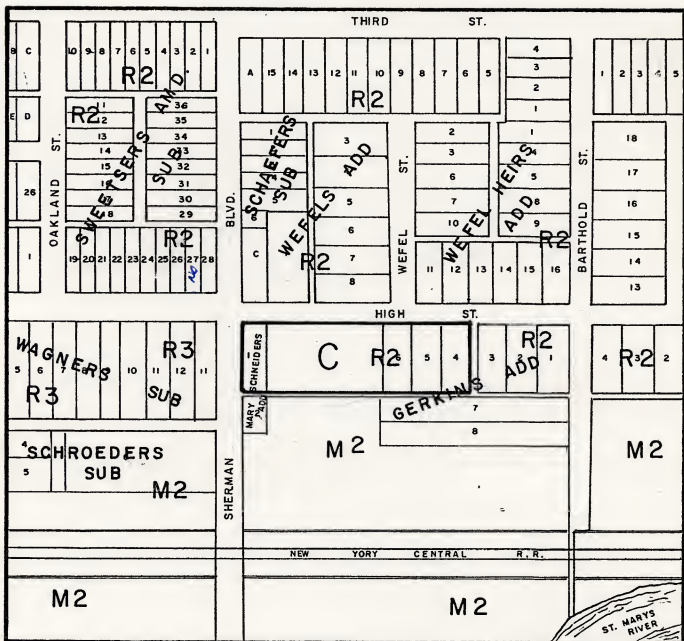
RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

DOLLARS

AUTHORIZED SIGNATURE



"C" CHANGE FROM R2 TO M1



TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Date Filed _____

Intended Use _____

I/We R & J ConStruction Inc.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R-2 district to a/an M-1 district the property described as follows:

Lots 4, 5, & 6 of Gerkin's Addition ;

Lot #1, Mary Schneider's Addition; and

Tract 1, 1A, 2, 2A, 3 & 4 of Mary Schneider's Addition

(Legal Description)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

OPAL J. CARPER

735 HIGH ST.

VIRGINIA B. HERSHBERGER

815 HIGH ST

MICHAEL K. HERSHBERGER

815 HIGH ST

Opal J. Carper
Virginia B. Hershberger
Michael K. Hershberger

(Name)

(Address)

(Signature)

Legal Description Checked By: _____

(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

James E. Brooks
(Name)

1123 Bethold St
(Address) 46808

742-1738
(Telephone Number)

AGREEMENT

The undersigned, being owners of portions of the following described real estate in Fort Wayne, Allen County, Indiana:

Lots 4, 5, & 6 of Gerkin's Addition;
 Lot #1, Mary Schneider's Addition; and
 Tract 1, 1A, 2, 2A, 3 & 4 of Mary
 Schneider's Addition,

in consideration of the rezoning of said real estate from an R-2 to an M-1 classification for purposes of the Fort Wayne Zoning Ordinance, being zoning ordinance Z-76-05-17 do hereby agree with the City of Fort Wayne that there shall be no access to the property herein described from High Street other than access for residential uses unless and until access for any other purpose shall have been approved by the Plan Commission of the City of Fort Wayne in written form and recorded in the offices of the Allen County Recorder.

This restrictive covenant shall be deemed a covenant binding upon the real estate and shall be a covenant running with the land.

Opal J. Carper	735 High Street	
Virginia B. Hershberger	815 High Street	<i>Virginia Hershberger</i>
Merritt K. Hershberger	815 High Street	<i>Merritt K. Hershberger</i>
Merritt R. Hershberger	819 High Street	<i>Merritt R. Hershberger</i>
Geraldine Hershberger	819 High Street	<i>Geraldine Hershberger</i>
Bernard E. Johnson	823 High Street	<i>Bernard Johnson</i>
Esther F. Johnson	823 High Street	<i>Esther F. Johnson</i>
Catherine M. Shanyfelt	821 High Street	<i>Catherine M. Shanyfelt</i>
Catherine M. Shanyfelt	825 High Street	<i>Catherine M. Shanyfelt</i>
Paul H. Shanyfelt	825 High Street	<i>Paul H. Shanyfelt</i>
Elizabeth Fryer	721 High Street	<i>Elizabeth Fryer</i>
Ralph M. Call	811 High Street	<i>Ralph M. Call</i>
Bradley A. Call	805 High Street	<i>Bradley A. Call</i>
Ralph M. Call	805 High Street	<i>Ralph M. Call</i>
Adelaide A. Dannells	725 High Street	

John O. Smead	827 High Street
Alice M. Smead	827 High Street
Eula Steele	731 High Street
Jimmie Kemp	733 High Street
Betty Kemp	733 High Street

John O. Smead
Alice M. Smead

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this 30th day of July, 1976, personally appeared ~~Opal J. Carper~~, Virginia B. Hershberger, Merritt K. Hershberger, Merritt R. Hershberger, Geraldine Hershberger, Bernard E. Johnson, Esther F. Johnson, Catherine M. Shanyfelt, Paul H. Shanyfelt, Elizabeth Fryer, Ralph M. Call, Bradley A. Call, ~~Adelaide A. Dannels~~, John O. Smead, Alice M. Smead, ~~Eula Steele~~, ~~Jimmie Kemp~~, and ~~Betty Kemp~~, and acknowledged the execution of the foregoing Agreement.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

J. H. Brooks
Notary Public

My Commission Expires:
April 26, 1980

R & J CONSTRUCTION INC.
JAMES E. BROOKS, PRESIDENT

1123 Barthold Street

James E. Brooks

STATE OF INDIANA
COUNTY OF ALLEN

Before me, the undersigned, a Notary Public, in and for said County of State, this 30th day of July, 1976, personally appeared James E. Brooks, and acknowledged the execution of the foregoing Agreement.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.
My Commission Expires:
April 26, 1980

J. H. Brooks
Notary Public

This Instrument Prepared By: Richard I. Snouffer
Attorney at Law

PETITION FOR ZONING ORDINANCE AMENDMENT

Receipt No. _____

Date Filed _____

Intended Use _____

I/We, the undersigned, certify that I am We are the owner (s) of fifty-one percentum (51%) or more of the property described in this petition.

~~MERRITT L. HENSHAW~~

MERRITT L. HENSHAW

819 HIGH

GREGG L. HENSHAW

819 HIGH

BENJAMIN E. JOHNSON

823 HIGH

ESTHER F. JOHNSON

823 HIGH

KATHLEEN M. SHAYFELT

821 HIGH

KATHLEEN M. SHAYFELT

825 HIGH

PAUL H. SHAYFELT

825 HIGH

C. ELIZABETH FEYER

721 HIGH

RALPH M. CALL

811 HIGH

BRADLEY A. CALL

805 HIGH

RALPH M. CALL

805 HIGH

ADELAIDE A. DANNELLS

725 HIGH

JOHN O. SMEAD

827 HIGH

ALICE M. SMEAD

827 HIGH

EULA STEELE

731 HIGH

JIMMIE KEMP

733 HIGH

BETTY KEMP

733 HIGH

MERRITT L. HENSHAW

GREGG L. HENSHAW

BENJAMIN E. JOHNSON

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KATHLEEN M. SHAYFELT

KATHLEEN M. SHAYFELT

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ELIZABETH FEYER

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BRADLEY A. CALL

RALPH M. CALL

ADELAIDE A. DANNELLS

JOHN O. SMEAD

ALICE M. SMEAD

EULA STEELE

JIMMIE KEMP

BETTY KEMP

(Name)

(Address)

(Signature)

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment Ordinance3-76-05-17DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSIONSYNOPSIS OF ORDINANCE Petitioners are requesting the rezoning of thefollowing described property: Lots # 4, 5, & 6 of Gerkin's AdditionLot # 1 Mary Schneider's Addition and Tract 1, 1A, 2, 2A, 3 & 4 ofMary Schneider's Addition, generally located on the southeast cornerof High Street and Sherman Blvd.From "R2" to "M"EFFECT OF PASSAGE Property is presently zoned an "R2" District -Two family residential. Petitioners are requesting an "M1" District - Light
Industrial.EFFECT OF NON-PASSAGE Property would remain an "R2" DistrictMONEY INVOLVED (Direct Costs, Expenditures, Savings) noneASSIGNED TO COMMITTEE (J.N.) Regulation